

## SENATE BILL No. 479

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-21.

**Synopsis:** Evaluation of solid waste management districts. Requires the environmental rules board (board) to adopt rules establishing objective criteria for the evaluation of solid waste management districts and to set quantitative standards by which the numerical score of a district for each criterion may be determined to be "acceptable" or "unacceptable". Allows the board, by placing districts into separate categories for purposes of evaluation, to adjust for factors favoring or inhibiting success in promoting recycling, such as the population and population density of a district, the relative cost of disposing of solid waste in a district, and the distance from a district to establishments that purchase recycled materials. Requires the board to set an overall quantitative standard and to give each district an overall assessment of "acceptable" or "unacceptable" based on the district's numerical scores for all objective criteria. Provides that: (1) if a single county solid waste management district receives one overall assessment of "unacceptable", the board of the district may propose to the county council that the district be dissolved; (2) if a single county solid waste management district receives two consecutive overall assessments of "unacceptable", the county council may dissolve the district; and (3) if a joint solid waste management district receives one overall assessment of "unacceptable", the county council of any county that is a member of the joint district may elect to withdraw from the district. Allows a county, after dissolving its single county solid waste management district or withdrawing from a joint solid waste management district, to no longer be designated as a single county solid waste management district or be a member of a joint solid waste management district.

**Effective:** July 1, 2015.

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January 14, 2015, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 479

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-21-15 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]:

4 **Chapter 15. Evaluation of Districts**

5 **Sec. 1. (a) The environmental rules board shall adopt rules**  
6 **under IC 4-22-2 and IC 13-14-9 establishing objective criteria for**  
7 **the evaluation of solid waste management districts.**

8 **(b) The rules adopted under this section must set forth certain**  
9 **objective criteria by which the effectiveness and efficiency of a**  
10 **district in promoting recycling and achieving other goals set forth**  
11 **in the state solid waste management plan adopted under IC 13-21-1**  
12 **may be measured numerically. The criteria may include:**

13 **(1) the total quantity of recyclable materials that are recycled**  
14 **through the activities and programs of the district during a**  
15 **period, as compared to the estimated total quantity of**  
16 **recyclable materials available for recycling in the district**



during that period;

(2) the total expenses incurred by a district during a period, as compared to the total quantity of recyclable materials that are recycled through the activities and programs of the district during that period;

(3) the percentage of:

(A) households; and

(B) businesses;

in the district that regularly participate in recycling;

(4) the revenue derived from the sale of recycled materials;

(5) the amount of expenditures by the district for personnel costs, as compared to the amount of expenditures by the district for program costs (excluding personnel costs); and

(6) other objective criteria selected by the environmental rules board.

(c) For each objective criterion set forth in the rules adopted under subsection (b), the environmental rules board shall set a quantitative standard by which the numerical score of a district for the criterion may be judged. The board shall set the quantitative standard for a criterion according to its best judgment as to the minimum numerical score representing acceptable effectiveness and efficiency with respect to the objective criterion. A numerical score at or above the standard set under this subsection shall be regarded as "acceptable" and a numerical score below the standard set under this subsection shall be regarded as "unacceptable".

(d) The environmental rules board may, for purposes of a single objective criterion, establish two (2) or more categories of solid waste management districts and adopt a different quantitative standard under subsection (c) for each category. The board may separate districts into separate categories under this subsection according to factors favoring or inhibiting success in promoting recycling and other goals of the state solid waste management plan, including:

(1) the population of a district;

(2) the population density of a district;

(3) the relative cost of disposing of solid waste in the district; and

(4) the distance from the district to establishments that purchase recycled materials.

Sec. 2. (a) At least once per year, the environmental rules board shall evaluate all solid waste management districts according to the



1 criteria and quantitative standards established under section 1 of  
2 this chapter.

3 (b) In evaluating a district under this section, the board shall:

4 (1) determine the numerical score of the district for each of  
5 the objective criteria set forth under section 1(b) of this  
6 chapter;

7 (2) determine whether the numerical score of the district for  
8 each criterion is acceptable or unacceptable according to the  
9 applicable quantitative standard under section 1(c) and 1(d)  
10 of this chapter; and

11 (3) based upon the results determined for all objective criteria  
12 under subdivisions (1) and (2), give the district an overall  
13 assessment of "acceptable" or "unacceptable".

14 (c) In determining the overall assessments of districts under  
15 subsection (b)(3), the board may:

16 (1) calculate the average of all numerical scores for all of the  
17 objective criteria and give each district an overall assessment  
18 of "acceptable" or "unacceptable" based on the average; or

19 (2) using its best judgment, give greater weight to the  
20 numerical scores for some criteria than for other criteria in  
21 calculating the overall scores of all districts, and give each  
22 district an overall assessment of "acceptable" or  
23 "unacceptable" based on the adjusted average.

24 (d) The board shall give each district an overall assessment of  
25 "acceptable" or "unacceptable" under subsection (c) based on  
26 whether the average of the district under subsection (c)(1) or the  
27 adjusted average of the district under subsection (c)(2) is at least  
28 as high as or below the overall quantitative standard set by the  
29 board. The board shall set the overall quantitative standard  
30 according to its best judgment as to the minimum numerical score  
31 representing acceptable effectiveness and efficiency in promoting  
32 recycling and achieving other goals set forth in the state solid waste  
33 management plan.

34 Sec. 3. (a) Not more than thirty (30) days after the conclusion of  
35 an evaluation of solid waste management districts under this  
36 chapter, the environmental rules board shall notify the board of  
37 each solid waste management district of the results of the  
38 evaluation of the district.

39 (b) A notification under subsection (a) must include:

40 (1) the numerical score of the district for each objective  
41 criterion and whether the score is "acceptable" or  
42 "unacceptable" for the criterion under section 1 of this



chapter; and

(2) the overall assessment of the district and whether the overall assessment is "acceptable" or "unacceptable" under section 2 of this chapter.

(c) The board shall report the results of the evaluations of all solid waste management districts under this chapter to the governor and, in an electronic format under IC 5-14-6, to the legislative council.

SECTION 2. IC 13-21-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 16. Dissolution of Districts**

**Sec. 1. (a)** If a solid waste management district is a county district consisting of only one (1) county, the board of the district, irrespective of any evaluation of the district under IC 13-21-15, may adopt a resolution proposing that the district be dissolved.

(b) The board shall present a resolution adopted under subsection (a) to the county council of the county. After receiving the resolution, the county council shall adopt a resolution under section 4 of this chapter.

**Sec. 2. (a)** If a solid waste management district:

(1) receives one (1) overall assessment of "unacceptable" under IC 13-21-15-3; and

(2) is a county district consisting of only one (1) county; the board of the district, before the next evaluation of the district under IC 13-21-15, may adopt a resolution proposing that the district be dissolved. A board that adopts a resolution under this subsection shall present the resolution to the county council of the county.

(b) After receiving a resolution adopted under subsection (a), the county council may elect to dissolve the district under section 4 of this chapter.

**Sec. 3. If a solid waste management district:**

(1) receives two (2) consecutive overall assessments of "unacceptable" under IC 13-21-15-3; and

(2) is a county district consisting of only one (1) county; the county council of the county, before the next evaluation of the district under IC 13-21-15, may elect to dissolve the district under section 4 of this chapter.

**Sec. 4. (a)** A county council that:

(1) is presented a resolution under section 1 of this chapter; or

(2) elects under section 2 or 3 of this chapter to dissolve the



1       solid waste management district of the county;  
 2       shall adopt an ordinance dissolving the district and providing for  
 3       the winding up of the affairs of the district.

4       (b) An ordinance adopted under subsection (a) shall also:

5       (1) provide for the county to:

6       (A) join with one (1) or more other counties in forming a  
 7       new joint district; or

8       (B) join an existing joint district;

9       under the procedures set forth in IC 13-21-3; or

10      (2) specify that the county will no longer:

11      (A) be designated as a county solid waste management  
 12      district; or

13      (B) be a member of a joint solid waste management  
 14      district.

15      (c) The dissolution of a district through the adoption of an  
 16      ordinance under subsection (a) is effective on the date specified in  
 17      the ordinance. Upon the dissolution of the district:

18      (1) any assets of the district become assets of the county and  
 19      shall be transferred to the county; and

20      (2) any legal obligations of the district that were incurred  
 21      before the district was dissolved become legal obligations of  
 22      the county.

23      After the district is dissolved, the county is no longer subject to this  
 24      article and the county is not a district or part of a joint district.

25      Sec. 5. (a) If a solid waste management district:

26      (1) receives one (1) overall assessment of "unacceptable"  
 27      under IC 13-21-15-3; and

28      (2) is a joint district consisting of two (2) or more counties;  
 29      the county council of any county that is a member of the joint  
 30      district, before the next evaluation of the district under  
 31      IC 13-21-15, may elect to withdraw from the district under  
 32      IC 13-21-4.

33      (b) A county council making the election under subsection (a)  
 34      shall adopt resolutions under IC 13-21-4-2 withdrawing the county  
 35      from the joint district.

36      (c) In addition to adopting the resolutions required under  
 37      subsection (b), the county council shall adopt a separate ordinance  
 38      that:

39      (1) provides for the county to:

40      (A) designate itself as a county solid waste management  
 41      district;

42      (B) join with one (1) or more other counties in forming a



1           new joint district; or  
2           (C) join an existing joint district;  
3           under the procedures set forth in IC 13-21-3; or  
4           (2) specifies that the county will no longer:  
5           (A) be designated as a county solid waste management  
6           district; or  
7           (B) be a member of a joint solid waste management  
8           district.  
9           (d) A county withdrawing from a joint solid waste management  
10          district under this section is subject to IC 13-21-4 (concerning  
11          withdrawal or removal of counties from solid waste management  
12          districts). After the date on which the withdrawal of the county  
13          from the joint district is effective under IC 13-21-4, the county is  
14          no longer subject to this article, and the county is not a district or  
15          part of any joint district. However, the county is responsible for its  
16          share of legal obligations (if any) arising from its former  
17          membership in the joint district as provided under IC 13-21-4.

